

*Somerville Commission For Persons
With DisAbilities*

presents

RECOMMENDATIONS FOR PROGRAM YEAR 06/07

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATIONS:

STRATEGIC PLANNING

FOR

The City Of Somerville

Somerville Commission For Persons With Disabilities
RECOMMENDATIONS FOR FY06 CDBG & HOME GRANTS ALLOCATIONS,
STRATEGIC PLANNING
FOR
The City Of Somerville

Table of Contents p. 3

Introduction, p.4

- I. Commission for Persons with Disabilities- Four FY06 Capacity-Building Proposals-Intro p.5
 - 1. Development of an Accessible Community Technology and Career Center, p. 6:
 - Project Opportunity
 - FY06 Proposal, Suggested Budget
 - Goals
 - Long-Range Planning
 - 2. Production of an ADA-Compliance Resource for Local Businesses, p.7:
 - Project Opportunity
 - FY06 Proposal, Suggested Budget
 - Goals
 - Long-Range Planning
 - 3. Needs assessment, data collection, and outreach to special needs populations, p.8:
 - Project Opportunity
 - FY06 Proposal, Suggested Budget
 - Goals
 - Long-Range Planning
 - 4. Training & Certification of 20 Community ADA Monitors, p.9:
 - Project Opportunity
 - FY06 Proposal, Suggested Budget
 - Goals
 - Long-Range Planning
- II. Four Reasons to Invest in a Department ADA-Specialist with FY06 CDBG funds, p.10:
 - OSPD Opportunity
 - FY06 Recommendation
 - 1. Accomplish the administrative mandates of ADA, Title II. p. 11
 - 2. Develop a Citywide Public Facilities ADA Action Plan. p. 11
 - 3. Increase the effectiveness of constituent relations. p.11
 - 4. Maximize the Department's long term ADA resourcefulness. p.11
 - Long-Range Planning, p.11
- III. Transportation and Infrastructure- Four FY06 Recommendations, p. 12:
 - 1. Build Accessible Bus Kiosk
 - 2. Streetscape Improvement-Citizen Request Program
 - 3. Evaluate Paratransportation Services for Elderly and Special Needs population
 - 4. Evaluate APS placement, increase where needed.
 - Long-Range Planning
- IV. General Construction Policies- Three ADA Initiatives FY06, p.13:
 - 1. Produce and mandate receipt of ABA overview brochure for all Project managers
 - 2. Evaluate policies to ensure ADA Compliance
 - 3. Initiate daily Citizen Access phone report
 - Long-Range Planning
- V. Housing- Promoting Sustainable Accessibility, p.14:
 - 1. Develop public awareness campaign: Universal Design Principles and Visitability
 - 2. Develop economic and public incentives for accessible renovation/rehab. standards
- VI. Communications Infrastructure- One Departmental Recommendation, p.14:
 - 1. Research and Invest in Web Accessibility
 - 2. Evaluate and Increase Accessible Communications Devices throughout the City

Summary, p.15

4 Attachments, pp. 16 - 32

Introduction

Although there is clearly a need to address the many issues facing low income disabled residents in Somerville, this is the first time the SCPD is requesting a budget from CDBG funds. At least 19.4% of Somerville citizens have at least one documented disability¹; this is slightly higher than the national average (of 19.3%). According to national averages, 70% of disabled citizens are underemployed.

Federal HUD-sponsored CDBG and HOME grants have the rare distinction of providing monies, which can be used directly to address ADA-compliance needs. Like many cities, Somerville has many programs, activities, services, and buildings that are not accessible to citizens with disabilities. Therefore, approximately 20% of Somerville's constituents are excluded from a wide range of City services, including recreation, safety, health, education, and communications. Please work with us in order to maximize this opportunity to standardize accessibility and inclusiveness throughout the City and especially in low-income communities.

We fully endorse Alderman Dennis Sullivan's call for a *proactive*, Accessible City, whereby all persons living, working and visiting Somerville can get where they want to go, and can participate fully in civic life. These objectives are not only legally mandated but they are also universally beneficial in all aspects of public and private community life. Our FY06 recommendations include funding relevant economic and administrative capacity-building projects to be developed and overseen by the SCPD, and adding a knowledgeable (part-time) ADA- Specialist to your Department. *Right now*, OSPD can meaningfully ensure that citizens who live with disabilities are fully included at the beginning of the planning process- *not retrofitted in, after the materials and funds are gone*.

¹ This figure, from the HUD 2000 Census, does not address various special populations, such as non-homeless "disabled families". See p. 67, Final Five-Year Consolidated Plan, OSPD, April 2003.

I. Somerville Commission for Persons with Disabilities- Four FY06 Capacity-Building Proposals

Introduction:

The mission of the Somerville Disability Commission is to ensure fullest access and advocacy for all individuals with disabilities living and working within Somerville.² In coordination with the ADA Coordinator, the Commission can continually provide support to OSPD by:

- conducting physical assessments of existing facilities,
- collaborating with other service agencies and individuals to develop plans for providing program access for all rehabilitation projects;
- becoming involved in design approval for new construction projects; and
- working directly with disabled citizens and their families per request.

Ordinance 390 Municipal Commissions on Disability, adopted by the Board of Aldermen on June 7, 1992, established the SCPD; however, we have not yet received a municipal budget for our activities. We are unable to create meaningful programs for our constituents without a budget, and without the allocation of funds, the City is unable to create meaningful support for our mandates. On the following five pages, we describe (2) economic and (2) administrative capacity-building initiatives which we believe target CDBG resources to increase access, expand educational and economic opportunities, and more fully integrate constituents with disabilities into Somerville life.

² please see Attachment One, Somerville Commission for Persons With Disabilities Factsheet, October, 2005

1. Development of an Accessible Community Technology and Career Center.

Project Opportunity: Individuals with disabilities, including veterans, elderly persons, and many persons living in poverty lack meaningful training programs which offer them appropriate technologies, assistive devices, structural access, and even appropriate informational formats which would enable them to take advantage of professional and volunteer training pathways.

We propose developing a Demonstration Project to design a space and program which is accessible, designed by experts and consumers in the fields of assistive technology, innovative learning solutions, adaptive environments, community service and urban planning. Such a program, embedded within an appropriate community within Somerville³, can become a model for a universally designed Training Partnership and Facility in the Northeast.

This Demonstration Project would have as its aim to create a suitable environment that encourages and resources individuals with disabilities and those in poverty cultures from teens to elders to have access to innovative training pathways to become productive in community service careers. Support services (such as child care and a Health Stop) may be included.

FY06/07: Outreach and Partnership Building, Planning & Development. Suggested budget: \$20,000.

- The SCPD and ADA Specialist will implement an outreach strategy to include local universities and colleges, technology specialists, social services and other experts experienced in implementing community solutions throughout the Northeast Corridor (1st 3 months).
- Partnership structure, benefits of membership and policies will be developed with interested participants. A non-profit Partnership and Project Advisory Panel will be formed (months 4 through 6).
- SCPD will organize workshops and Planning Conferences to develop shared mission objectives, identify and form other strategic relationships with academic, research, and commercial entities, and begin development of project plans (months 6 through 12).

Goals: Develop strategic community partnerships, identify strategies and solutions for longstanding problems of inadequate opportunity for low income and special needs populations, increase assistive technology access within low income communities, leverage CDBG funds to ensure long-term sustainability for the City, economic capacity-building.

Long-range planning:

- Abandoned building or other facility rehabilitation search to house this program can begin with FY07 funding.
- This new partnership will be in a position to identify and leverage other funding opportunities, including National and State grants and corporate sponsorships.
- This Center can provide a meeting place and educational and research space for the development of other community initiatives.
- This stand-alone model can also be incorporated into future supportive-housing planning and development.

³ Where's the closest (and only) Accessible Community Technology (including Training) Center within the Boston area? Codman House, "Unlimited Potentials Program," Dorchester, MA. It is embedded within the community, and serves all community members; it is not focused on a specific disability population, or faith-based; and is multigenerational.

2. Production of an "Accessibility Guide for Businesses and Service Establishments Within Somerville"

Project Opportunity: Businesses and service establishments traditionally have myths and fears concerning ADA-Compliance and generally lack information and motivation to create pathways for developing **employment** as well as **communication** accessibility for persons with disabilities. In addition, businesses lack motivation, guidance and knowledge which can enable them to undertake reasonable **structural accommodations** so that their services are accessible.

We estimate that there are less than 5% of local businesses and other service establishments with any of these ADA accommodations in place. Why should mobility-impaired citizens of Somerville have to go elsewhere for a vet, a print shop, a shoe store, a swim, and a haircut?

FY06: Create, print and distribute 1,000 guides in various alternate formats. Suggested budget: \$10,000.

In collaboration with groups such as the Somerville Chamber of Commerce, the Somerville Rotary Club and others, the ADA Specialist and the SCPD will research, produce, and publish an "Accessibility Guide for Businesses and Service Establishments Within Somerville."

This information brochure will outline

- the necessary four priorities for structural ADA accommodations;
- explain specific issues of communication accessibility;
- explain necessary ADA compliance issues around employment; and
- provide a preliminary outline of technical resources available within State and Federal agencies available to help these entities.

We can then distribute these free pamphlets to low income communities of Somerville and make it widely available to all City customers.

Goals: Mobilize and utilize community resources to enlarge opportunities for all citizens, increase access for disadvantaged populations, provide information to increase compliance with ABA and ADA Title III requirements, economic capacity-building.

Long-range planning:

- Information sessions and technical assistance resources for local businesses can build upon and reinforce this effort in coming years. Such "live resources" can be developed with FY07 funding; and an annual series of ADA-compliance trainings for businesspersons can be developed.
- Using the experience and data collected by these efforts, in FY08, an information and resource center can be developed within the City ADA Coordinator's Office to answer on-the-spot questions from local businesses and others regarding ADA- and ABA-Compliance and provide information on technical resources available for implementing structural and communication Accessibility features, and equal opportunity policies.
- This could develop into a consortium of ADA-compliant businesses, supported by regular acknowledgements, postings and other incentive events sponsored by the Mayor's Office, OSPD and the SCPD.

3. Collect needs assessments and data via four Public Conversation Events

Project Opportunity: Outreach to persons living with disabilities is a primary goal of the Commission. Yet, we lack specific information at this time that will help us work with relevant City Departments and other entities in order to ensure an adequate response to our constituents. Through various data-collection methods, and via Public Conversations focused on listening to the needs and suggestions of these participants, the SCPD can help OSPD increase the representation of this constituency in future strategic planning meetings and community solution-making.

FY06: **Organize data collection methods, Plan and Produce Four Public Conversations.**
Suggested Budget: \$5,000.

In collaboration with the OSPD and the Mayor's Executive Office; and through appropriate partnerships with Public Service agencies, the Commission can help *develop a community-wide questionnaire, collect data* for statistical and analytical models, and *sponsor four Public Conversations* in various places during the FY06 granting period. In this way, we are able to respond to the Department's goal (see p. 67, Five-Year Comprehensive Plan, OSPD, April 2003) to collect information which is not included in the Census report regarding adults with disabilities who are not homeless; who require added benefits such as supportive housing and/or accessible housing; who are sheltered by families of origin; and/or otherwise not included in recent statistics and analysis. Most importantly, we can improve the representation of this constituency and help the City better advocate for, and respond to, their needs and suggestions.

Such data-collection can ensure that the City is able to organize and track the needs of its citizens who require accommodations and other resources towards their fullest participation in City programs, activities, events, and physical structures.

We ask for a reasonable budget to support printing, supplies, consultation and transportation costs as appropriate in order to print questionnaires, create and monitor privacy policy and proper filing procedures, organize and sponsor Public Conversation meetings in various venues throughout the City, and collect data in conformity with municipal and Federal guidelines.

Goals: identify the social service, housing, and other needs of Somerville's persons with disabilities, improve citizen participation and outreach, promote fullest access to community life, administrative capacity-building, fulfill OSPD Five-Year Comprehensive Plan FY03-08 goal (p.67).

Long-range planning:

- This documentation will aid the City in devising a realistic Disaster Evacuation Plan.
- Both the Police and Fire Departments can incorporate this data into Emergency Evacuation and ADA-compliance planning efforts.
- This data can be used to help the Communication Department's 3-1-1 call number service be more useful and responsive to citizens with special communication needs.
- This information will assist the City to complete a Self-Evaluation Report and develop a comprehensive Long Range Action Plan for ADA-compliance.

4. Organize and Train Commission Members and City Staff as Community ADA Monitors.

Project Opportunity: Providing necessary structural accommodations and removal of barriers for the fullest civic participation of the community has been mandated since 1973 in federally-funded programs by the Rehabilitation Act, and is further specifically mandated in ALL programs by Title II of the ADA public law of 1990. *The identification of these structural barriers is the responsibility of the City and responsible staff who administer municipal-wide programs.* Currently, Somerville places this burden on citizens to report, case-by-case, where they are being denied access at the time the program is in session. All citizens today have the right to expect and predict that they will have *immediate, equal access* to productive participation in all its programs and activities. A State-funded two-day training to become a Community ADA Monitor- which certifies the trainee to investigate and report compliance needs in public places to appropriate City, State and Federal staff- costs approximately \$24 per person. In support of the City's good-faith efforts to monitor and comply with ADA mandates, the Commission can organize these trainings within Somerville and make them available to City staff, the Board of Aldermen, and interested Somerville citizens.

FY06: **Train and certify 20 persons as Community ADA Monitors. Suggested Budget: \$480.**

In collaboration with the Massachusetts Office on Disabilities (MOD), the Somerville SCPD will organize and sponsor a two-day training event within Somerville twice during the FY06 funding cycle in order to train and certify 20 persons as Community ADA Monitors.

FY06, we will begin this program by training the ADA Specialist, Commission members and associate members, and Aldermen Board.

Goals: Increase citizen participation in addressing City goals, increase access and mobility improvements Citywide, support and improve commercial districts, improve neighborhood life, improve citizen confidence in city government responsiveness.

Long-Range Planning:

- As an annual program, this will increase opportunities for citizens with disabilities to access training that can improve their living conditions, benefit the City environment, and increase mutual good-faith efforts to comply with civil rights legislation.
- This information will assist the City to complete annual Self-Evaluation Reports and update transition plans for facilities improvements and ADA-compliance.

II. FOUR REASONS TO INVEST IN DEPARTMENTAL ADA SPECIALIST USING FY06 CDBG FUNDS:

OSPD Opportunity: In order for the City of Somerville to adequately plan for, respond to, and maintain appropriate standards of ADA compliance and service to its citizens, a full-time citywide ADA-Coordinator is necessary to administer, supervise, and coordinate ADA issues within the various City Departments which regularly provide services to the community. In addition, Somerville currently has ongoing ADA legal exposures and liabilities and needs to move forward on solving these challenges as expeditiously as possible.

We are pleased that the Board of Aldermen has passed a Resolution calling for a Full-Time ADA Coordinator (October 27, 2005) and look forward to bringing that goal to fruition ASAP. Until and beyond such time, ***we encourage the OSPD to invest in an ADA SPECIALIST*** to help this Department coordinate thoughtful and intelligent planning, implementation and monitoring of ADA-, ABA-, ADAAG-, Section 504- and Section 508- Compliance throughout your programs, including all HUD-sponsored programs. This is not just a risk-management strategy; it is a capital investment in sustainable community development.

FY06: **Hire a part-time ADA Specialist to oversee Planning and Implementation of Department-wide ADA-Compliance efforts.** We suggest a halftime position (\$30,000+), which could eventually be funded through City budget allocations for a full-time ADA Coordinator. That person can then have continuity in fulfilling your Department's needs while bringing the rest of the City's Departments up to speed. On the following page are four CDBG-relevant and overall Departmental objectives, which can be achieved with the expertise and overview of an ADA Specialist:

FY06 ADA SPECIALIST FUNCTIONS WITHIN OSPD:

❖ Objective 1: Accomplish the administrative requirements of Title II of the ADA:

- ✓ Beginning with the *self-evaluation process*, the ADA Specialist will oversee a Departmental evaluation of ADA issues relevant to HUD-funded programs.
- ✓ An **updated and realistic transition plan** is then developed within the year to update, schedule, and implement City facility maintenance and compliance planning.
- ✓ **Accessibly-formatted public notices** need to be posted throughout the City and in all City-owned and operated buildings regarding non-discriminatory policies;
- ✓ A **grievance procedure** needs to be established to provide policies and channels for local mediation and resolution of Fair Housing and other relevant ADA complaints.

❖ Objective 2: Develop a comprehensive long-range Action Plan for ADA-compliance:

Work with a team of specialists and the SCPD to actualize inclusion and accessibility throughout the Department's programs, policies, and structures at this time and in the future. Define the scope of Departmental responsibility relevant to ADA issues. Evaluate and prioritize a facilities maintenance plan for any facilities constructed or altered after 1/26/92. With the help of Community ADA monitors, continue to evaluate and plan improvements to *all* facilities and infrastructure for accessibility and inclusion throughout the City.

❖ Objective 3: Increase the effectiveness of citizen participation and responsiveness through outreach strategies.

In collaboration with the SCPD, organize a series of Public Conversations and yearly trainings offered to persons with disabilities, public servants and interested citizens. Collect pertinent information and data to ensure representation of this constituency in future Strategic Planning and Implementation efforts by the Department.

❖ Objective 4: Maximize the Department's ADA resources and opportunities:

Provide research and consultation on specific disability accommodation issues, including technologies and equipment like assistive listening devices, public text telephone devices, and other facilities-related ADA matters. Develop grant opportunities to assist and lessen the departmental and municipal budgetary burden of ADA accessibility and compliance. Research and develop special initiatives to better the lives of all citizens and strategize skillful community planning.

Long-Range Planning, Departmental (OSPD) ADA Specialist:

- **Develop and implement trainings for City staff, City businesses, project managers and other applicants and recipients of HUD and OSPD funds, and arrange for specialized technical assistance when requested** in order to enhance comprehensive, City-wide access to programs and activities throughout Somerville;
- **Provide technical information and research specific issues as requested** on the requirements of the ADA. Provide the conduit to outside agencies, support groups, and vendors for available services and technologies;
- **Develop appropriate monitoring tools** for self-evaluation, implementation and maintenance of statutory and regulatory requirements of programs, such as HOME Section 504 requirements, and ADA and ABA Accessibility Guidelines.

III. TRANSPORTATION AND INFRASTRUCTURE:

1. Build first model Accessible Bus Kiosk in Union Square.

Project Opportunity: We note that the City requires Braille signage and alternate communication device (such as TDD/TTY) additions to streetscape and public facilities, and that adequate surfaces and spaces for wheelchair users can be improved. There is also an opportunity to provide multilingual formats within overall streetscape and community design throughout the City. In celebration of the promising Union Main Streets Program, we envision the first of many universally designed bus kiosks to be built in the center of Union Square, platform for 5 bus routes (85, 86, 87, 91 and CT2).

Included within the design requirements, we request:

- Accessible Pedestrian Signals (APS);
- Braille street and transit information signage;
- a TTY device and information on TTY device locations throughout Somerville;
- bus schedule signage at an appropriate height for wheelchair users.
- appropriate surface renovations, benches and covered waiting spaces for elderly and mobility-impaired travelers;
- multilingual signage (for example: Portuguese, Tibetan, Spanish, Haitian-Creole, Vietnamese, Russian and Chinese).

We suggest including technological features, such as optical scanners and character recognition software, in order to exploit current trends and opportunities for assistive design improvements currently being developed in the transportation, communication, and entertainment industries.

2. Provide a citizen's request program for curb ramps, Accessible Pedestrian Signals (APS) and removing sidewalk and street crossing barriers

- on accessible City website
- through SCPD outreach

3. Evaluate City-wide Paratransit Program

As there have recently been cuts in a major paratransit program which operated in Somerville, Malden, and Cambridge, we request a modestly budgeted survey of available paratransit programs serving the elderly and special needs populations throughout the City. We hope such services can be adequately increased in future budget planning as appropriate funding opportunities are identified.

4. Include ADA-access improvements in ALL streetscape and roadscape improvement projects funded by CDBG, at the planning stage. Also, establish a plan to prioritize and make decisions about installation of APS at 'unaltered' intersections:

- where a request for APS is received, and
- where insufficient information for street crossing using non-visual clues exists.

IV. GENERAL CONSTRUCTION POLICIES- THREE ADA INITIATIVES FY06

1. Produce and mandate receipt of ABA overview brochure for all Project managers.

Ensure that all Project Managers sign for ABA information packets at the first Awards Information Session. These Information packets should contain:

- an overview of the Architectural Barriers Act (ABA) and the Uniform Federal Accessibility Standards (UFAS), the Accessible and Usable Buildings and Facilities, CABO/ANSI A117.1;
- a resource summary of technical assistance centers and resources for ADA compliance guidance in the State and nationally;
- an overview of Universal Design Principles and Visitability and
- information on how to obtain copies of the ADAAG, UFAS, ADA Standards Tech Sheets and other resources.

2. Evaluate policies to ensure ADA Compliance.

For all new construction and renovation projects, have ADA-access specialists review the design plans. We suggest a policy to ensure that 20% right-of-way and other requirements are built in the project budget and increase the project costs 15% - 20%.

3. Initiate daily Citizen Access phone report.

Monitor ongoing CDBG-funded construction sites regularly to ensure that pedestrians, including wheelchair-mobile citizens, are given reasonable alternate access routes. **Maintain a daily information telephone line (TTY also) to give daily updates on streetscape route changes and short and long-term notices for residents and workers in those areas.**

Long-Term Planning:

- **Develop an ongoing transition plan** for any facilities constructed or altered after 1/26/92. With the help of Community ADA monitors, continue to evaluate and plan improvements to *all* facilities and infrastructure for accessibility and inclusion throughout the City.
- **Develop special projects** directed to the removal of communication and architectural barriers, which restrict the mobility, and accessibility of special needs populations.

V. HOUSING RECOMMENDATIONS: PROMOTING SUSTAINABLE ACCESSIBILITY

1. Develop public awareness campaign: Universal Design Principles and Visitability.⁴

Develop a public awareness strategy so that architects, builders, homeowners and investors throughout the City who are benefiting from HUD loans and grants become knowledgeable about simple, functional built-in features which incorporate the principles of Universal Design and Visitability features.

HUD Notice CPD-00-9 of 2001 gives an overview of Visitability⁵:

"...Visitability is a design concept, which for very little or no additional cost, enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community... Visitability also expands the availability of housing options for individuals who may not require full accessibility. It will assist project owners in making reasonable accommodations and reduce, in some cases, the need for structural modifications or transfers when individuals become disabled in place. Visitability will also improve the marketability of units. "

2. Develop economic and public incentives for accessible renovation/rehab. standards

With the help of the ADA Specialist, create CDBG-sponsored information sessions which encourage architects, builders, homeowners and investors to learn how they can make their construction, renovation and rehabilitation projects more usable by as many people as possible at little or no extra cost. Produce information brochures outlining some simple, relatively inexpensive designs produced by specialists in Universal Design and provide resources for Project managers to investigate these options more closely. Monitor demand for information about such innovative practices and plan for future awareness strategies as appropriate.

Goal: available accessible housing stock within the City can grow and resources regarding accessible, sustainable principles can be increased.

VI. IT AND COMMUNICATIONS INFRASTRUCTURE:

1. IT (Web)-Accessibility: Capture some funds to modify OSPD's website so it is accessible to all types of readers, including, for example, those who are vision-impaired and those for whom English is a foreign language. With the help of the ADA Specialist, research Federal Section 508 technical and other resources and utilize them.

2. Increase Accessible Communications Devices throughout the City.

Evaluate the placement of TTY devices throughout the City and increase communication options for deaf and blind persons as possible. Ensure that all public assistance housing projects have at least one TDD/TTY unit available on the premises, and Braille signage for restrooms and directions, etc. appropriately placed.

⁴ HUD recommends both Universal Design and Visitability strategies- please see " Strategies for Accessibility and Visitability", February 7, 2002 (Attachment Two).

⁵ HUD Notice CPD-00-9, p. 7 (Attachment Three)

SUMMARY

The needs of low-income persons in Somerville correspond with the needs of the majority of persons with disabilities in terms of housing and community services. We estimate that 70% of Somerville's persons with disabilities live in low-income communities. Mental health issues, homelessness, substance abuse, and language barriers also challenge our citizens. Strategies to create accessible and affordable housing stock, safety, and preventive as well as intervention-focused health and social services should be predicated on inclusive, universally beneficial policies, programs and activities. We encourage setting priorities that increase the potential for long-term interdependent interactions over dependent, neighborhood-limited short-term interventions when choosing project beneficiaries of these CDBG and HOME funds.

Creating an accessible training program which increases options in professional and volunteer roles; developing a toolkit for businesses to include persons with disabilities; developing outreach and data collection for increased citizen participation and representation; and developing a corps of ADA Community Monitors are four projects which have outreach at their foundation and expansion of City resources as their core.

Making ADA-compliance a priority objective for these special HUD grants is strategic and the right thing to do. Accessibility should be planned right from the start and monitored at every level of project completion. Overall transportation and infrastructure modifications should be undertaken at this time- and a facilities improvement planning process begun- so that persons with disabilities and others who live in low income communities are not segregated in the places they can travel, work and play within the City and elsewhere.

We fully endorse Alderman Dennis Sullivan's call for fullest possible accessibility within the City, the addition of a full-time City ADA Coordinator position, and the creation of a budget reserved for the development and implementation of Disability Commission Projects. At this time, we recommend that the Office of Community Development allocate funds for the addition of an ADA Specialist within its Department.

We are aware of your budgetary constraints and share your enthusiasm and high standards for a beautiful, liveable and sustainable urban environment. We encourage the OSPD to envision Somerville as a Best Practices City in the language of Accessibility, where citizen confidence can grow and provide mutual benefits for all. This is a good time to invest in, and optimize, the functionality and sustainability of this distinctive City and her unique citizenry.

Please seize this opportunity to use Federal funds that are specifically earmarked for such objectives as ADA Compliance and work with us to make Somerville a user-friendly environment for all. We look forward to helping your office successfully accomplish these goals.

Thank you.

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Attachments:

1. Somerville Commission for Persons with Disabilities Fact Sheet
2. "Strategies for Accessibility and Visitability"
3. HUD Notice CPD-00-9
4. HUD Notice CPD-00-10

cc: Alderman Denise Provost
Alderman Dennis Sullivan

Attachment One, SCPD FY06 Recommended Strategies for OSPD
SOMERVILLE COMMISSION FOR PERSONS WITH DISABILITIES (SCPD)

MISSION

The mission of the Somerville Commission for Persons With Disabilities (SCPD) is twofold:

1. To ensure that all persons living, working and visiting the City of Somerville have complete access to all programs and services within the City; and
2. To ensure that persons with disabilities within the City can participate in, and benefit from, any and all decisions regarding policies, practices and procedures that affect persons living, working and visiting the City of Somerville.

OBJECTIVES

Working with the City Government, we will work towards full ADA-Compliance:

- to advocate for the civil rights of persons with disabilities;
- to improve living conditions for persons with disabilities;
- to provide constituents with disabilities the opportunities to give input and request changes throughout all aspects of municipal life
- to remove physical, policy, economic, programmatic, and communication barriers to civic life;
- to develop technical assistance materials to help City Departments and Somerville businesses better serve the needs of persons with disabilities;
- to educate the City and public in various formats regarding issues of importance to persons with disabilities.

MEETING SCHEDULE

We meet on the third Tuesday of each month at the Walnut Street Center, 300 Somerville Avenue, unless there is a change. Meetings, minutes and changes are posted on the City's website under "Boards & Commissions, Commission for Persons With Disabilities." The Education Subcommittee meets every other Friday. The public is invited to all meetings and encouraged to come. For further information, Please call Craig Fletcher at (617) 629-0865.

2005 MEMBERS

Alderman-at-large Dennis Sullivan, John Ciampa, President, Craig Fletcher, Vice-President, Eileen Feldman, Secretary, Julie Katz, Joe Medeiros, Martin Polignone, James Robertson, Al Rubio and William Vienneau. We also acknowledge the longtime dedicated work of Member Tom Peters, who recently moved out of Somerville.

If you are interested in joining the Commission, and you are a Somerville resident, and have an interest in advocating for and learning about disability culture, please call Craig Fletcher for more information about becoming an Associate Member.

HUD recommends both Universal Design and VISIBLE Communities: this is from the City Knowledge website:

Strategies for Accessibility and Visibility February 7, 2002

The "[visibility](#)" movement began in the late 1980s with the goal of ensuring access by people with mobility impairments to their neighbors' homes. Visibility doesn't offer total access, but does allow people with disabilities to enter the first floor or a home without being lifted up, and provides access to the rooms and bathrooms on the first floor. Builders have cited resistance to the concept of visibility on the grounds that the needs of a relatively small portion of the population will be served. Cost estimates vary from \$500 to \$5,000, though opponents say it is the principle, not the price tag, that most bothers them.

Cities adopting visibility ordinances that pertain only to housing built with public funds include Chicago, Illinois; Urbana, Illinois; Atlanta, Georgia; and Austin, Texas.

For communities to be truly inclusive, the U.S. Department of Housing and Urban Development (HUD) advocates working toward a modest - but universal - standard of access. HUD has worked with architects and advocates to develop design strategies that are both attractive and functional for families at any stage or condition of life. HUD's publication, "[Strategies for Accessibility and Visibility](#)" (available online in PDF format), illustrates inexpensive and unobtrusive design strategies for single story housing, condominiums/co-ops featuring first floor accessible flats, and elevators or lifts installed in two story houses. In fact, many accessibility features exist unnoticed inside a wall or in the design of a closet until the day when the reinforcement for a grab bar or the space for an elevator is needed.

Housing that is accessible, attractive, affordable, and which welcomes disabled and aging Americans is an integral part of healthy, sustainable communities.

(See also Notice CPD-09-00)

U.S. Department of Housing and Urban Development
COMMUNITY PLANNING AND DEVELOPMENT:

Notice CPD-00-9

Special Attention of:

All Secretary's Representatives
All State/Area Coordinators
All CPD Office Directors
All HOME Coordinators
All HOME Participating Jurisdictions
All CDBG Grantees
All FHEO Field Directors

Issued: December 26, 2000

Expires: December 26, 2001

SUBJECT: Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability to housing programs funded by the HOME Investment Partnerships Program and the Community Development Block Grant Program

I. PURPOSE

The purpose of this Notice is to remind recipients of Federal funds in the HOME Investment Partnerships Program (HOME) or the Community Development Block Grant (CDBG) Program of their obligation to comply with Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and HUD's implementing Regulations (24 CFR Parts 8 and 100, respectively), which prohibit discrimination based on disability and establish requirements for program accessibility and physical accessibility in connection with housing programs. This Notice describes key compliance elements for housing assisted under the HOME and CDBG programs. However, recipients should review the specific provisions of the Fair Housing Act, Section 504, and their respective regulations in order to assure that their programs are administered in full compliance. Note with respect to Section 504, this Notice does not address the applicability of Section 504's physical accessibility requirements to homeownership programs financed with HOME/CDBG assistance.

The Notice also recommends that recipients conduct updated self evaluations as a useful tool for enhancing efforts to comply with accessibility requirements in HOME/CDBG programs, as well as to document those efforts.

Applicability

This Notice applies to new construction and rehabilitation of housing under the HOME and CDBG programs. Each primary recipient of Federal funds from the HOME or CDBG program is responsible for providing this notice to each organization or other entity participating in the construction or rehabilitation of projects receiving such funding and for establishing policies and practices that it will use to monitor compliance of all covered programs, activities, or work performed by subrecipients, contractors, subcontractors, management agents, etc.

Distribution: W-3-1

II. SECTION 504 OF THE REHABILITATION ACT OF 1973

Background

The HOME and CDBG programs, through State and local governments, provide assistance that may be used for the construction or rehabilitation of affordable housing. HOME and CDBG funds may be used to construct or rehabilitate rental housing, to rehabilitate owner occupied housing, and to finance homeownership programs.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving Federal financial assistance. HUD regulations implementing Section 504 contain accessibility requirements for new construction and rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities. (See 24 CFR Part 8)

For the purposes of this Notice, the references to multifamily housing projects covered by Section 504 only apply to multifamily rental housing projects.

The Section 504 regulations define "recipient" as any State or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. (24 CFR §8.3) A family that will receive CDBG or HOME funds for the rehabilitation of an owner-occupied unit is not subject to the requirements of Part 8 since it is the ultimate beneficiary of the funds, and not a recipient of Federal financial assistance.

New construction

HUD regulations implementing Section 504 at 24 CFR §8.22(a) require that new construction of multifamily projects be designed and constructed to be readily accessible to and usable by persons with disabilities. Multifamily housing projects are defined at 24 CFR §8.3 as "projects containing five or more dwelling units". Both the individual units and the common areas in the building must be accessible.

For **new construction** of multifamily rental projects, a minimum of 5 percent of the dwelling units in the project (but not less than one unit) must be accessible to individuals with mobility impairments. An additional 2 percent of the dwelling units (but at a minimum, not less than one unit) must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments), unless HUD prescribes a higher number pursuant to 24 CFR §8.22(c).

Rehabilitation

Substantial alterations - Section 504 requires that if alterations are undertaken to a housing project that has 15 or more units, and the rehabilitation costs will be 75 percent or more of the replacement cost of the completed facility, then such developments are considered to have undergone "substantial alterations" (24 CFR §8.23 (a)). For substantial alterations of multifamily rental housing, the accessibility requirements contained in 24 CFR §8.22 must be followed -- a minimum of 5 percent of the dwelling units in the project (but not less than one unit) must be accessible to individuals with mobility impairments, and an additional 2 percent, at a minimum (but not less than one unit), must be accessible to individuals with sensory impairments.

Other alterations -- When **other alterations** that do not meet the regulatory definition of substantial alterations are undertaken in multifamily rental housing projects of any size, these alterations must, to the maximum extent feasible, make the dwelling units accessible to and usable by individuals with disabilities, until a minimum of 5 percent of the dwelling units (but not less than one unit) are accessible to people with mobility impairments, unless HUD prescribes a higher number pursuant to 24 CFR 8.23(b)(2). If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, then the entire dwelling

unit shall be made accessible. For this category of rehabilitation the additional 2 percent of the dwelling units requirement for individuals with sensory impairments does not apply. Alterations to common spaces must, to the maximum extent feasible, make those areas accessible. A recipient is not required to make a dwelling unit, common area, facility or element accessible, if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project. (24 CFR §8.23(b)) Therefore, recipients are required to provide access in covered alterations up to the point of being infeasible or an undue financial and administrative burden.

Accessibility Standards

Dwelling units designed and constructed in accordance with the Uniform Federal Accessibility Standards (UFAS) will be deemed to comply with the Section 504 regulation. For copies of UFAS, contact the HUD Distribution Center at 1-800-767-7468; hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8339. Accessible units must be, to the maximum extent feasible, distributed throughout the projects and sites, and must be available in a sufficient range of sizes and amenities so as not to limit choice.

III. FAIR HOUSING ACT

Background

The Fair Housing Act, applies to almost all housing sold or rented in the United States. The Fair Housing Act prohibits discrimination in housing practices on the basis of race, color, religion, sex, and national origin. The Fair Housing Act was amended in 1988 to provide protections from discrimination in any aspect of the sale or rental of housing for families with children and persons with disabilities. The Fair Housing Act also establishes requirements for the design and construction of new rental or for sale multifamily housing to ensure a minimum level of accessibility for persons with disabilities. (See 24 CFR 100.200 et. seq.)

Section 804(f)(3)(C) of the Fair Housing Act requires that covered multifamily dwelling units designed and constructed for first occupancy after March 13, 1991, be designed and constructed in a manner that:

- (i) the public and common use portions of such dwellings are readily accessible to and usable by disabled persons;
- (ii) all the doors designed to allow passage into and within the premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
- (iii) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls **in** accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Covered multifamily dwelling units are:

- dwelling units in buildings consisting of 4 or more units served by one or more elevators, or
- ground floor dwelling units in other buildings with 4 or more units.

Information about housing designs that provide accessible features in compliance with the Fair Housing Act can be found in the HUD's Fair Housing Accessibility Guidelines which were published in the Federal Register on March 6, 1991 (56 F.R. 9472) and in HUD's Fair Housing Act Design Manual. These can be obtained from the HUD Distribution Center at 1-800-767-7468. Deaf, hard of hearing or speech-impaired individuals also may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8339.

The design and construction requirements in the Fair Housing Act apply only to a building designed and constructed for first occupancy after March 13, 1991. The Fair Housing Act regulations define a building for first occupancy as a building that has never been used for any purpose. Thus, the design and construction requirements in the Fair Housing Act will not apply to rehabilitation projects or activities.

Illustrations

It must be noted that, in many cases, new construction of rental projects funded in the HOME/CDBG Programs must meet both the Fair Housing Act and the Section 504 new construction requirements. Where two or more accessibility standards apply, the housing provider is required to follow and apply both standards, so that maximum accessibility is obtained. The following examples illustrate how these requirements will (or will not) apply.

- A rental building with an elevator constructed with HOME/CDBG funding would be required to have 5% of its dwelling units meet the Section 504 accessibility requirements at 24 CFR 8.22 and the remaining 95% of the dwelling units would be required to comply with the Fair Housing Act design and construction requirements at 24 CFR 100.205. Note: An additional 2% of the dwelling units are required to be accessible for people with vision and hearing impairments.
- A newly constructed 100 unit two-story garden apartment development with no elevator constructed with HOME/CDBG assistance with half (50) of its dwelling units on the ground floor and half (50) on the second floor would be required to have 5 of its ground floor dwelling units built to comply with the Section 504 accessibility requirements at 24 CFR 8.22, and the remaining 45 ground floor dwelling units built to comply with the Fair Housing Act design and construction requirements at 24 CFR 100.205. Note: An additional 2% of the dwelling units are required to be accessible for people with vision and hearing impairments in accordance with Section 504.
- A development consisting entirely of multistory rental townhouses constructed with Federal financial assistance is not a covered multifamily dwelling for purposes of the design and construction requirements of the Fair Housing Act at 24 CFR 100.205 since none of the dwelling units qualify as ground floor units, but would still have to meet the Section 504 5% + 2% accessibility requirements at 24 CFR 8.22. (A townhouse development of 5 or more single story dwelling units would still have to comply with both Section 504 and the Fair Housing Act design and construction requirements at 24 CFR 100.200 et. seq.)

IV. Increasing Program Accessibility

HUD's Section 504 regulations require that a recipient of Federal financial assistance ensure that its program, when viewed in its entirety, is accessible to persons with disabilities. (24 CFR 8.20) In order to meet this obligation, participants in the HOME/CDBG program must:

- To the maximum extent feasible, distribute accessible units throughout the projects and sites, and make them available in a sufficient range of sizes and amenities so as not to limit choice.
- Adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities. They must also take reasonable nondiscriminatory steps to maximize use of such units by eligible individuals.
- When an accessible unit becomes vacant, before offering the unit to an individual without a disability, offer the unit: first, to a current occupant of the project requiring the accessibility feature; and second, to an eligible qualified applicant on the waiting list requiring the accessibility features.
- When an applicant or tenant requires an accessible feature or policy modification to accommodate a disability, a federally assisted provider must provide such feature or policy modification unless

doing so would result in a fundamental alternation in the nature of its program or an undue financial and administrative burden. See 24 CFR 8.4, 8.24, and 8.33 for further requirements and guidance.

- Providers are required to ensure that information about their programs is disseminated in a manner that is accessible to persons with disabilities. For example, special communication systems can greatly increase the effectiveness of outreach and ongoing communication (e.g., Telecommunications Devices for the Deaf (TTY), materials on tape or in Braille).
- Providers must ensure that activities and meetings are conducted in accessible locations.

Participants in the HOME/CDBG program may:

- Ask applicants for information that can demonstrate that they can meet the obligations of tenancy including financial information, references, prior tenancy history, etc. However, housing providers may not inquire into the nature and severity of an applicant or tenant's disability, nor may they ask persons with disabilities questions not asked of all applicants, apply different types of screening criteria, or assess an applicant's ability to live independently.
- Ask if the applicant qualifies for a housing program or unit designed for persons with a disability, when the housing program or unit is designed for such persons.
- Consider including a lease provision that requires a nondisabled family occupying an accessible unit to move if a family with a disability needing that size unit applies and there is an appropriately sized nonaccessible unit available for the relocating family.

V. Self-Evaluation

The Section 504 regulations required recipients of Federal financial assistance to conduct a self-evaluation of their policies and practices to determine if they were consistent with the law's requirements. This self evaluation was to have been completed no later than July 11, 1989. The regulatory deadlines are long past. However, self-evaluation continues to be an excellent management tool for ensuring that a recipient's current policies and procedures comply with the requirements of Section 504.

Involving persons with disabilities in the self-evaluation process is very beneficial. This will assure the most meaningful result for both the recipient and for persons with disabilities who participate in the recipients programs and activities. It is important to involve persons and/or organizations representing persons with disabilities, and agencies or other experts who work regularly with accessibility standards.

Important steps in conducting a self-evaluation and implementing its results include the following:

- Evaluate current policies and practices and analyze them to determine if they adversely affect the full participation of individuals with disabilities in its programs, activities and services. Be mindful of the fact that a policy or practice may appear neutral on its face, but may have a discriminatory effect on individuals with disabilities.
- Modify any policies and practices that are not or may not be in compliance with Section 504 regulations.
- Take appropriate corrective steps to remedy those policies and practices which either are discriminatory or have a discriminatory effect. Develop policies and procedures by which persons with disabilities may request a modification of a physical barrier or a rule or practice that has the effect of limiting or excluding a person with a disability from the benefits of the program.
- Document the self-evaluation process and activities. The Department recommends that all recipients keep the self-evaluation file for at least three years, including records of the

- individuals and organizations consulted, areas examined and problems identified, and document modifications and remedial steps.

The Department also recommends that recipients periodically update the self-evaluation, particularly, for example, if there have been changes in recipient owned housing stock, such as demolition of housing units and construction and/or alteration of housing, or changes in the programs and services of the agency.

VI. Visitability

Visitability Concept

Although not a requirement, it is recommended that all design, construction and alterations incorporate, whenever practical, the concept of visitability **in addition** to the requirements under Section 504 and the Fair Housing Act.

Visitability is a design concept, which for very little or no additional cost, enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community.

Design Considerations

Visitability design incorporates the following in all construction or alterations, in addition to the applicable requirements of Section 504 and the Fair Housing Act, whenever practical and possible for as many units as possible within a development:

- Provide a 32" clear opening in all bathroom and interior doorways
- Provide at least one accessible means of egress/ingress for each unit.

Benefits

Visitability also expands the availability of housing options for individuals who may not require full accessibility. It will assist project owners in making reasonable accommodations and reduce, in some cases, the need for structural modifications or transfers when individuals become disabled in place. Visitability will also improve the marketability of units.

HUD Technical Assistance Concerning these Requirements

Further information concerning compliance with any of these requirements may be obtained through the HUD web page (<http://www.hud.gov/fheo/504/sect504.html>). Additional assistance and information may be obtained by contacting the local Department of Housing and Urban Development Offices of Community Planning and Development (CPD) and Fair Housing and Equal Opportunity (FHEO) listed below:

	CPD	FHEO
Boston, MA	617 565-5345	617 565-5310
Hartford, CT	806 240-4800 x3059	860 240-4800
New York, NY	212 264-0771 x3422	212 264-1290
Buffalo, NY	716 551-5755 x5800	716 551-5755
Newark, NJ	973 622-7900 x3300	973 622-7900
Philadelphia, PA	215 656-0624 x3201	215 656-0661
Pittsburgh, PA	412 644-2999	412 355-3167
Baltimore, MD	410 962-2520 x3071	410 962-2520
Richmond, VA	804 278-4503 x3229	804 278-4504
Washington, DC	202 275-0994 x3163	202 275-0848
Atlanta, GA	404 331-5001 x2449	404 331-1798
Birmingham, AL	205 290-7630 x1027	205 290-7630
South Florida	305 5364431 x2223	305 536-4479
Jacksonville, FL	904 232-1777 x2136	904 232-1777
San Juan, PR	787 766-5400 x2005	787 766-5400
Louisville, KY	502 582-6163 x214	502 582-6163 x230
Jackson, MS	601 965-4700 x3140	601 965-4700 x2435
Knoxville, TN	865 545-4391 x121	865 545-4379
Greensboro, NC	336 547-4005	336 547-4050
Columbia, SC	803 765-5564	803 765-5936

Chicago, IL	312 353-1696 x2702	312 353-7776
Minneapolis, MN	612 370-3019 x2107	612 370-3185
Detroit, MI	313 226-7908 x8055	313 226-6280
Milwaukee, WI	414 297-3214 x8100	414 297-3214
Columbus, OH	614 469-5737 x8240	614 469-5737 x8170
Indianapolis, IN	317 226-6303 x6790	317 226-7654
Little Rock, AK	501 324-6375	501 324-6296
Oklahoma City, OK	405 553-7569	405 553-7426
Kansas City, KS	913 551-5485	913 551-5834
Omaha, NE	402 492-3181	402 492-3109
St. Louis, MO	314 539-6524	314 539-6327
New Orleans, LA	504 589-7212 x3047	504 589-7219
Fort Worth, TX	817 978-5934 x5951	817 978-5870
San Antonio, TX	210 475-6820 x2293	210 475-6885
Albuquerque, NM	505 346-7271 x7361	505 346-7327
Denver, CO	303 672-5414 x1326	303 672-5437
San Francisco, CA	415 436-6597	415 436-6569
Los Angeles, CA	213 894-8000 x3300	213 894-8000 x3400
Honolulu, HI	808 522-8180 x264	808 522-8180
Phoenix, AZ	602 379-4754	602 379-6699 x5261
Seattle, WA	206 220-5150 x3606	206 220-5170
Portland, OR	503 326-7018	503 326-3349
Manchester, NH	603 666-7640 x7633	
Anchorage, AK	907 271-3669	
Houston, TX		713 313-2274

U.S. Department of Housing and Urban Development
COMMUNITY PLANNING AND DEVELOPMENT

Special Attention of:

All Secretary's Representatives
All State/Area Coordinators
All CPD Office Directors
All FHEO Field Offices
All CDBG Grantees

Notice CPD- 00-10

Issued: December 26, 2000

Expires: December 26, 2001

Subject: Accessibility for Persons with Disabilities to Non-Housing Programs funded by Community Development Block Grant Funds -- Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and the Architectural Barriers Act

I. Purpose

The purpose of this Notice is to remind recipients of Federal funds under the Community Development Block Grant (CDBG) Program of their obligation to comply with Section 504 of the Rehabilitation Act of 1973, HUD's implementing regulations (24 CFR Part 8), the Americans with Disabilities Act, (ADA) and its implementing regulations, (28 CFR Parts 35, 36), and the Architectural Barriers Act (ABA) and its implementing regulations (24 CFR Parts 40, 41) in connection with recipients' non-housing programs. This Notice describes key compliance elements for non-housing programs and facilities assisted under the CDBG programs. However, recipients should review the specific provisions of the ADA, Section 504, the ABA, and their implementing regulations in order to assure that their programs are administered in full compliance.

Applicability

This Notice applies to all non-housing programs and facilities assisted with Community Development Block Grant Funds (e.g. public facilities and public improvements, commercial buildings, office buildings, and other non-residential buildings) and facilities in which CDBG activities are undertaken (e.g., public services). A separate Notice is being issued concerning Federal accessibility requirements for housing programs assisted by recipients of CDBG and HOME program funds.

II. Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, as amended, provides "No otherwise qualified individual with a disability in the United States ... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...". HUD's regulations implementing the Section 504 requirements can be found at 24 CFR Part 8.

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Part 8 requires that recipients ensure that their programs are accessible to and usable by persons with disabilities. Part 8 also prohibits recipients from employment discrimination based upon disability.

The Section 504 regulations define "recipient" as any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution organization, or other entity or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. (24 CFR §8.3) For the purposes of Part 8, recipients include States and localities that are grantees and subgrantees under the CDBG program, their subrecipients, community-based development organizations, businesses, and any other entity that receives CDBG assistance, but not low and moderate income beneficiaries of the program. CDBG grantees are responsible for establishing policies and practices that they will use to monitor compliance of all covered programs, activities, or work performed by their subrecipients, contractors, subcontractors, management agents, etc.

Non-housing Programs

New Construction -- Part 8 requires that new non-housing facilities constructed by recipients of Federal financial assistance shall be designed and constructed to be readily accessible to and usable by persons with disabilities. (24 CFR §8.21(a))

Alterations to facilities -- Part 8 requires to the maximum extent feasible, that recipients make alterations to existing non-housing facilities to ensure that such facilities are readily accessible to and usable by individuals with disabilities. An element of an existing non-housing facility need not be made accessible, if doing so, would impose undue financial and administrative burdens on the operation of the recipients program or activity. (24 CFR §8.21 (b))

Existing non-housing facilities - A recipient is obligated to operate each non-housing program or activity so that, when viewed in its entirety, the program or activity is readily accessible to and usable by persons with disabilities. (24 CFR §8.21 (c))

Recipients are not necessarily required to make each of their existing non-housing facilities accessible to and usable by persons with disabilities if when viewed in its entirety, the program or activity is readily accessible to and usable by persons with disabilities. 24 CFR §8.21(c)(1) Recipients are also not required to take any action that they can demonstrate would result in a fundamental alteration in the nature of its program or activity or cause an undue administrative and financial burden. However, recipients are still required to take other actions that would not result in such alterations, but would nevertheless ensure that persons with disabilities receive the benefits and services of the program. (24 CFR §8.21(c)(iii))

Historic Preservation - Recipients are not required to take any actions that would result in a substantial impairment of significant historic features of an historic property, However, in such cases where a physical alteration is not required, the recipient is still obligated to use alternative means to achieve program accessibility, including using audio-visual materials and devices to depict those portions of

an historic property that cannot be made accessible, assigning persons to guide persons with disabilities into or through portions of historic properties that cannot be made accessible, or otherwise adopting other innovative methods so that individuals with disabilities can still benefit from the program. (24CFR §8.21(c)(2)(ii))

Accessibility Standards

Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) is deemed to comply with the accessibility requirements for nonhousing facilities. Recipients may depart from particular technical and scoping requirements of UFAS where substantially equivalent or greater accessibility and usability is provided. (24 CFR §8.32) For copies of UFAS, contact the HUD Distribution Center at 1-800-767-7468; deaf, hard of hearing, or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8339.

Where a property is subject to more than one law or accessibility standard, it is necessary to comply with all applicable requirements. In some cases, it may be possible to do this by complying with the stricter requirement, however, it is also important to ensure that meeting the stricter requirement also meets both the scoping and technical requirements of overlapping laws or standards.

Employment

Section 504 also prohibits discrimination based upon disability in employment. See 24 CFR Part 8, Subpart B.

Section 504 Self Evaluations

The Section 504 regulations required recipients of Federal financial assistance to conduct a self-evaluation of their policies and practices to determine if they were consistent with the law's requirements. This self evaluation was to have been completed no later than July 11, 1989. Title II of the ADA imposed this requirement on all covered public entities. The ADA regulations required that ADA self evaluations be completed by January 26, 1993, although those public entities that had already performed a Section 504 self evaluation were only required to perform a self-evaluation on those policies and practices that had not been included in the Section 504 review.

The regulatory deadlines are long past. However, self-evaluation continues to be an excellent management tool for ensuring that a recipient's current policies and procedures comply with the requirements of Section 504 and the ADA.

Involving persons with disabilities in the self-evaluation process is very beneficial. This will assure the most meaningful result for both the recipient and for persons with disabilities who participate in the recipient's programs and activities. It is important to involve persons and/or organizations representing persons with disabilities, and agencies or other experts who work regularly with accessibility standards.

Important steps in conducting a self-evaluation and implementing its results include the following:

- Evaluate current policies and practices and analyze them to determine if they adversely affect the full participation of individuals with disabilities in its programs, activities and services. Be mindful of the fact that a policy or practice may appear neutral on its face, but may have a discriminatory effect on individuals with disabilities.
- Modify any policies and practices that are not or may not be in compliance with Section 504 or Title II and Title III of the ADA regulations. (See 24 CFR Part 8 and 28 CFR Parts 35, 36.)
- Take appropriate corrective steps to remedy those policies and practices which either are discriminatory or have a discriminatory effect. Develop policies and procedures by which persons with disabilities may request a modification of a physical barrier or a rule or practice that has the effect of limiting or excluding a person with a disability from the benefits of the program.
- Document the self-evaluation process and activities. The Department recommends that all recipients keep the self-evaluation on file for at least three years, including records of the individuals and organizations consulted, areas examined and problems identified, and document modifications and remedial steps, as an aid to meeting the requirement at 24 CFR Part 8.55.

The Department also recommends that recipients periodically update the self-evaluation, particularly, for example, if there have been changes in the programs and services of the agency. In addition, public entities covered by Title II of the ADA should review any policies and practices that were not included in their Section 504 self-evaluation and should modify discriminatory policies and practices accordingly.

III. The Americans With Disabilities Act of 1990

The Americans With Disabilities Act of 1990 (ADA) guarantees equal opportunities for persons with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. Unlike Section 504 which applies only to programs and activities receiving Federal financial assistance, the ADA applies even if no Federal financial assistance is given.

The U.S. Department of Justice enforces Titles I, II, and III of the ADA, although the Equal Employment Opportunity Commission investigates administrative complaints involving Title I.

Title I prohibits discrimination in employment based upon disability. The regulations implementing Title I are found at 29 CFR Part 1630. The Equal Employment Opportunity Commission (EEOC) offers technical assistance on the ADA provisions applying to employment.

These can be obtained at the EEOC web site www.eeoc.gov, or by calling 800-669-3362 (voice) and 800-800-3302 (TTY).

Title II prohibits discrimination based on disability by State and local governments. Title II essentially extended the Section 504 requirements to services, programs, and activities provided by States, local governments and other entities that do not receive Federal financial assistance from HUD or another Federal agency. CDBG grantees are covered by both Title II and Section 504. The Department of Justice Title II regulations are found at 28 CFR Part 35.

Title II also requires that facilities that are newly constructed or altered, by, on behalf of, or for use of a public entity, be designed and constructed in a manner that makes the facility readily accessible to and usable by persons with disabilities. (28 CFR §35.151 (a) & (b)) Facilities constructed or altered in conformance with either UFAS or the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR Part 36) shall be deemed to comply with the Title II Accessibility requirements, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(j) of ADAAG shall not apply. (28CFR §35.151(c))

Title II specifically requires that all newly constructed or altered streets, roads, and highways and pedestrian walkways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level or pedestrian walkway and that all newly constructed or altered street level pedestrian walkways must have curb ramps at intersections. Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways. (28CFR §35.151(e))

The Title II regulations required that by January 26, 1993, public entities (State or local governments) conduct a self-evaluation to review their current policies and practices to identify and correct any requirements that were not consistent with the regulation. Public entities that employed more than 50 persons were required to maintain their self-evaluations on file and make it available for three years. If a public entity had already completed a self-evaluation under Section 504 of the Rehabilitation Act, then the ADA only required it to do a self-evaluation of those policies and practices that were not included in the previous self-evaluation. (28 CFR §35.105)

The Department of Justice offers technical assistance on Title II through its web page at www.usdoj.gov/crt/ada/taprogram.htm, and through its ADA Information Line, at **202 514-0301 (voice and 202-514-0383 (TTY))**. The Department of Justice's technical assistance materials include among others, the Title II Technical Assistance Manual with Yearly Supplements, the ADA guide for Small Towns, and an ADA Guide entitled The ADA and City Governments: Common Problems.

Title III prohibits discrimination based upon disability in places of public accommodation (businesses and non-profit agencies that serve the public) and “commercial” facilities (other businesses). It applies regardless of whether the public accommodation or commercial facility is operated by a private or public entity, or by a for profit or not for profit business. The Department of Justice Title III regulations are found at 28 CFR Part 36. The Department of Justice also offers technical assistance concerning Title III through the web page cited above and the ADA Hotline cited above.

Justice also offers technical assistance concerning Title III through the web page cited above and the ADA Hotline cited above.

IV. The Architectural Barriers Act of 1968

The Architectural Barriers Act of 1968 (ABA) (42 U.S.C. 4151-4157) requires that certain buildings financed with Federal funds must be designed, constructed, or altered in accordance with standards that ensure accessibility for persons with physical disabilities. The ABA covers any building or facility financed in whole or in part with Federal funds, except privately-owned residential structures. Covered buildings and facilities designed, constructed, or altered with CDBG funds are subject to the ABA and must comply with the Uniform Federal Accessibility Standards (UFAS). (24 CFR 570.614) In practice, buildings built to meet the requirements of Section 504 and the ADA, will conform to the requirements of the ABA.

V. HUD Resources Available Concerning Section 504

Further information concerning compliance with Section 504 may be obtained through the HUD web page (<http://www.hud.gov/fhe/504/sect504.html>). Additional assistance and information may be obtained by contacting the local Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity field office. Below is a list of the phone numbers for these offices.

	<u>CPD</u>	<u>FHEO</u>
Boston, MA	617 565-5345	617 565-5310
Hartford, CT	806 240-4800 x3059	860 240-4800
New York, NY	212 264-0771 x3422	212 264-1290
Buffalo, NY	716 551-5755 x5800	716 551-5755
Newark, NJ	973 622-7900 x3300	973 622-7900
Philadelphia, PA	215 656-0624 x3201	215 656-0661
Pittsburgh, PA	412 644-2999	412 355-3167
Baltimore, MD	410 962-2520 x3071	410 962-2520
Richmond, VA	804 278-4503 x3229	804 278-4504
Washington, DC	202 275-0994 x3163	202 275-0848
Atlanta, GA	404 331-5001 x2449	404 331-1798
Birmingham, AL	205 290-7630 x1027	205 290-7630
South Florida	305 536-4431 x2223	305 536-4479
Jacksonville, FL	904 232-1777 x2136	904 232-1777
San Juan, PR	787 766-5400 x2005	787 766-5400
Louisville, KY	502 582-6163 x214	502 582-6163 x230
Jackson, MS	601 965-4700 x3140	601 965-4700 x2435
Knoxville, TN	865 545-4391 x121	865 545-4379
Greensboro, NC	336 547-4005	336 547-4050
Columbia, SC	803 765-5564	803 765-5936
Chicago, IL	312 353-1696 x2702	312 353-7776
Minneapolis, MN	612 370-3019 x2107	612 370-3185

Detroit, MI	313 226-7908 x8055	313 226-6280
Milwaukee, WI	414 297-3214 x8100	414 297-3214
Columbus, OH	614 469-5737 x8240	614 469-5737 x8170
Indianapolis, IN	317 226-6303 x6790	317 226-7654
Little Rock, AK	501 324-6375	501 324-6296
Oklahoma City, OK	405 553-7569	405 553-7426
Kansas City, KS	913 551-5485	913 551-5834
Omaha, NE	402 492-3181	402 492-3109
St. Louis, MO	314 539-6524	314 539-6327
New Orleans, LA	504 589-7212 x3047	504 589-7219
Fort Worth, TX	817 978-5934 x5951	817 978-5870
San Antonio, TX	210 475-6820 x2293	210 475-6885
Albuquerque, NM	505 346-7271 x7361	505 346-7327
Denver, CO	303 672-5414 x1326	303 672-5437
San Francisco, CA	415 436-6597	415 436-6569
Los Angeles, CA	213 894-8000 x3300	213 894-8000 x3400
Honolulu, HI	808 522-8180 x264	808 522-8180
Phoenix, AZ	602 379-4754	602 379-6699 5261
Seattle, WA	206 220-5150 x3606	206 220-5170
Portland, OR	503 326-7018	503 326-3349
Manchester, NH	603 666-7640 x7633	
Anchorage, AK	907 271-3669	
Houston, TX		713 313-2274

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